

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

SCOTT CRESPO,  Plaintiff,  v.  KEVIN SAUL,  Defendant.	No. 10-CV-05378  Judge: Hon. George M. Marovich
SCOTT CRESPO,  Plaintiff,  v.  BRANDON ZAUCHA, et al,  Defendant.	No. 10-CV-05536
SCOTT CRESPO,  Plaintiff,  v.  ANDY SETH, et al.,  Defendant.	No. 10-CV-06543

**AGREED MOTION FOR A ONE-WEEK EXTENSION OF TIME**

Plaintiff, by and through his attorneys Mark T. Lavery and Christopher V. Langone, move this Court pursuant to Federal Rule of Civil Procedure 6(b) for a one-week extension of time to file the Amended Complaint ordered by this Court, and the previously-filed agreed motion to set a briefing schedule.

1. On January 5, 2011, this Court issued an order granting Defendants' motion to reassign the three above-captioned cases to its docket. In that order, this Court also required that Plaintiff amend the complaint in 10-CV-6543 to correct a jurisdictional defect within 14 days of the case being reassigned to this Court's calendar.

2. Subsequent to the reassignment the parties jointly moved this Court to set a schedule as follows: Plaintiff will file any amended complaints in the three cases by January 20, 2011. On January 31, 2011, Defendants will file a joint motion pursuant to FRCP 12(b)(6). On February 22, 2011, Plaintiff will respond to the motion. On March 8, 2011, Defendants will reply.

3. Both prior to and after the reassignment, counsel for both sides have conferred on a variety of issues, including anticipated Rule 12 motions and efforts to come to an agreement on document preservation and discovery issues while the anticipated Rule 12 motions are pending.

4. One issue Defendants have raised is the relevant statute of limitations, which Defendants contend is 2 years under 735 ILCS 5/13-202, not the 5-year statute set forth in 735 ILCS 5/13-205 as claimed by Plaintiff. Counsel for Plaintiff and Defendants have been discussing this issue and are close to reaching an agreement that would avoid the necessity of having to brief and decide the issue in motion practice. Plaintiff will likely agree that, at least for the purposes of the actions pending before this Court, that he will only seek to recover gambling winnings within the 2-year statute, although there may be issues with respect to tolling under 735 ILCS 5/13-208 and/or relation back under FRCP 15(c). Counsel for the parties need additional time to research and investigate these issues before conferring again next week.

5. Counsel for Defendants has also been voluntarily cooperating with counsel for Plaintiff by providing information about the indicia of citizenship and domicile of the

Defendants in order that the citizenship allegations in the amended complaint are accurate and uncontested.

6. Given that the parties are working together in an effort to narrow the contested issues before the Court, and to allow Plaintiff and Defendants additional time to work out a potential agreement on statute of limitations issues and ensure accurate jurisdictional allegations, Plaintiff respectfully requests one additional week to file the amended complaint(s) as ordered.

7. Defendants have no objection to this extension, provided the date for Defendants to file their Rule 12 motion is correspondingly extended. Thus, Plaintiff requests the schedule be re-set by one week, as follows: Plaintiff will file amended complaint(s) by January 27, 2011. On or before February 7, 2011, Defendants will file a joint motion pursuant to FRCP 12(b)(6). On or before March 1, 2011, Plaintiff will respond to the motion. On or before March 15, 2011, Defendants will reply.

8. Defendants will not be prejudiced by, and do not object to, the requested one-week extension.

WHEREFORE, Plaintiff respectfully requests that this Court enter granting a one-week extension as set forth in this motion.

Dated: January 20, 2011

Respectfully submitted,

/s Christopher V. Langone

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